

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : EXCAVATING AND LOADING
Richard Bates : MACHINE
: Attorney Docket Number 063030-00076
Serial Number: Not yet Accorded : Filing Date: Filed herewith

PRELIMINARY AMENDMENT

Eckert Seamans Cherin & Mellott, LLC
600 Grant Street – 44th Floor
Pittsburgh, Pennsylvania 15219
May 9, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please amend the above-identified application as follows.

Amendments to the Claims

Amendments to the claims are reflected in the listing of claims beginning on Page 2 of this paper.

Amendments to the Abstract

Amendments to the Abstract are reflected in the revised version on Page 5 of this paper.